

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Kalliokulju CONF. No.: 8324  
SERIAL NO.: 09/757,913 ART UNIT: 2145  
FILING DATE: 01/10/2001 EXAMINER: Choudhury,  
TITLE: RELOCATING CONTEXT INFORMATION IN HEADER  
ATTORNEY  
DOCKET NO.: 460-010088-US (PAR)

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' REPLY BRIEF**

(37 C.F.R. §41.41)

This is response to the Examiner's Answer mailed August 10, 2006.

## **(B) ARGUMENT**

### **[1] GROUPING OF CLAIMS**

In section 7 of the Examiner's Answer, on the top of page 3, the Examiner states that all of the appealed claims 1-21 stand or fall together, citing 37 C.F.R. 1.192(c) (7). This section of the rules required a statement that the claims do not stand or fall together and giving reasons in support thereof. However, this section has been repealed and replaced by 37 C.F.R. 41.37, which does not require a "Grouping of the Claims" section. The only present requirement is that "Any claim argued separately should be placed under a subheading identifying the claim by number"; see 37 C.F.R. 41.37(a) (2) (c) (vii). Also, separate arguments must be given.

Here, in the Appellants' Brief, section (G), "Summary of Claimed Subject Matter, page 9, is the statement "The following dependent claims are being separately argued: (text of separately argued claims)". Further, in section (I), "Argument", after the arguments for the independent claims 1 & 12, starting on page 18, is a subheading "(b) Claims 2 and 13". This section provides arguments for these claims. Then following sections provide arguments for the remaining separately argued claims.

It is therefore respectfully submitted that the Appellants' Brief satisfies the current requirements for this Honorable Board to separately consider the patentability of all separately argued claims.

### **[2] PRIOR ART**

In section 10, "Response to Arguments", stating on page 15, the Examiner provides new arguments. The following is a rebuttal with the sections lettered and numbered to correspond to that used by the Examiner.

(a1). The Examiner considers the concept of “context information” equal to that of a flag indicating the compression state. It is respectfully submitted that this is not true. The “context information” is not a flag indicating the compression state, but it comprises various static and dynamic data defining the operation of the compressor and the decompressor, which is disclosed, e.g., on page 6, lines 9-20, of the present application. This is further emphasized in the quite complex Robust Header Compression (ROHC) scheme disclosed in the application since the ROHC comprises various operating states and other definitions, which cannot be modified by a simple flag.

(a2). The Examiner argues only that Chen discloses to first stop the context information updating on the mobile terminal and in the first network entity by referring to sending a packet with its header from one base station to another. As stated above, Chen does not mention the use of context information. What is more significant, the Examiner does not make any argument, or cite either reference as disclosing taking a snapshot of the old compressor and the decompressor context information and delivering it to the new network entity after stopping the context information.

(b). Again the Examiner fails to show where the prior art discloses the claimed stopping of the updating and sending acknowledgements.

(c). The Examiner argues on page 17 “The Examiner contends that the Maggenti art was not used as an explanation in this claim but was provided to the applicant as only the motivation for the 103 rejection. As for the claimed trait, the Examiner reads it at as being inherent.”. The first sentence is not understood. What is meant by “motivation for the 103 rejection”? In the second sentence the Examiner is apparently saying that the claimed stopping the updating by stopping the mobile terminal and the first network entity is inherent. However, inherency can only be used if the missing matter is necessarily present

and would be so recognized by one of ordinary skill in the art; see Continental Can Co. USA Inc. v. Mousanto Co., 20 USPQ2d 1746, 1749. The Examiner has not shown these requirements to be met by the references.

(d). Again the Examiner is arguing inherenecy, but, as pointed out above, this is improper. Also, the not understood statement concerning "motivation for the 103 rejection" is again used.

(e), (f), (g), (h), (i), (j) and (k). All of these sections also have the not understood statement concerning the 103 rejection.

(j) and (k). These sections also argue that Chen states that alterations may be made to the disclosed embodiments without departing from the spirit and scope of the invention. However, it is well known that this statement is relevant to infringement and not obviousness.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited transmitted electronically, on the date indicated below, addressed to the Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 8 September 2004

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